

ESTTA Tracking number: **ESTTA672135**Filing date: **05/13/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Shleppers Holdings, LLC		
Entity	limited liability company	Citizenship	New York
Address	656 Central Park Avenue Yonkers, NY 10704 UNITED STATES		

Attorney information	Yuval Marcus Leason Ellis LLP One Barker Avenue, Fifth Floor White Plains, NY 10601 UNITED STATES tmdocket@leasonellis.com, levin@leasonellis.com, marcus@leasonellis.com, clarke@leasonellis.com Phone:914-288-0022
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**Registration Subject to Cancellation**

Registration No	4716395	Registration date	04/07/2015
Registrant	Schlep and Fetch, Inc. 4300 W Jefferson Blvd, Hangar 6 Los Angeles, CA 90016 UNITED STATES		

**Goods/Services Subject to Cancellation**


Class 039. First Use: 2013/01/01 First Use In Commerce: 2013/01/01 All goods and services in the class are cancelled, namely: Courier services; Laundry pick-up and delivery services; Postal, freight and courier services; Providing room service delivery services to hotels and condominiums; Shipping and delivery services, namely, pickup, transportation, and delivery of packages and letters by various modes of transportation; Transportation and delivery services by air, road, rail and sea; Transportation and delivery services, namely, same day shipment services
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Petitioner as Basis for Cancellation**

U.S. Registration No.	3318229	Application Date	08/09/2006
Registration Date	10/23/2007	Foreign Priority Date	NONE
Word Mark	SHLEPPERS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 039. First use: First Use: 1979/12/01 First Use In Commerce: 1983/09/01 Furniture moving; Furniture storage; Moving van services; Storage of clothes; Storage of clothing; Storage of commercial, household or office goods, namely, furniture, seating, furnishings, furs and clothing

U.S. Registration No.	4497875	Application Date	08/08/2013
Registration Date	03/18/2014	Foreign Priority Date	NONE
Word Mark	SHLEPPERS		
Design Mark			
Description of Mark	The mark consists of the stylized wording "SHLEPPERS".		
Goods/Services	Class 039. First use: First Use: 2008/01/02 First Use In Commerce: 2008/01/02 Storage of commercial, household or office goods, namely, furniture, seating, furnishings and clothing; Moving van services; Furniture moving; Furniture storage		

Attachments	78948422#TMSN.png( bytes ) 86032094#TMSN.png( bytes ) petition for cancellation.pdf(103263 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/deirdreclarke/
Name	Deirdre A. Clarke
Date	05/13/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 4,716,395  
Registered: April 7, 2015

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Shleppers Holdings, LLC,	:	
	:	
Petitioner,	:	Cancellation No.
	:	
v.	:	
	:	
Schlep & Fetch, Inc.,	:	
	:	
Registrant.	:	
	:	
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**PETITION FOR CANCELLATION**

Petitioner, Shleppers Holdings, LLC (“Petitioner”), a New York limited liability company having an address at 656 Central Park Avenue, Yonkers, New York, 10704, believes that it would be damaged by continued existence of Registration No. 4,716,395 for the trademark WE SCHLEP WITH ALL YOUR FRIENDS issued to Schlep & Fetch, Inc. (“Registrant”), an California corporation having an address of 4300 W Jefferson Blvd, Hangar 6, Los Angeles, California 90016, for “courier services; laundry pick-up and delivery services; postal, freight and courier services; providing room service delivery services to hotels and condominiums; shipping and delivery services, namely, pickup, transportation, and delivery of packages and letters by various modes of transportation; transportation and delivery services by air, road, rail and sea; transportation and delivery services, namely, same day shipment services” in Class 39, and therefore petitions to cancel the registration.

As grounds for cancellation, Petitioner, by its attorneys Leason Ellis LLP, alleges as follows:

1. Petitioner is the owner and operator of the moving, delivery and storage company SHLEPPERS with multiple locations in the United States, including California. Petitioner's moving, delivery and storage services are offered to consumers throughout the country, including in California under the SHLEPPERS name and mark.

2. Petitioner has been using the mark SHLEPPERS in interstate commerce in connection with its moving, delivery and storage services, since at least as early as 1983. Thus, Petitioner has been using the SHLEPPERS mark in connection with moving, delivery and storage services since well prior to the filing date of Registrant's application.

3. Petitioner owns U.S. Registration No. 3,318,229 for the mark SHLEPPERS for "furniture moving; furniture storage; moving van services; storage of clothes; storage of clothing; storage of commercial, household or office goods, namely, furniture, seating, furnishings, furs and clothing" in Class 39. The October 23, 2007 registration date of Petitioner's registration is well prior to the filing date of Registrant's application.

4. Petitioner also owns U.S. Registration No. 4,497,875 for the mark SHLEPPERS for "storage of commercial, household or office goods, namely, furniture, seating, furnishings and clothing; moving van services; furniture moving; furniture storage" in Class 39. The March 18, 2014 registration date of Petitioner's registration is well prior to the filing date of Registrant's application.

5. On September 5, 2014, Registrant filed the application at issue to register the mark WE SCHLEP WITH ALL YOUR FRIENDS for "courier services; laundry pick-up and

delivery services; postal, freight and courier services; providing room service delivery services to hotels and condominiums; shipping and delivery services, namely, pickup, transportation, and delivery of packages and letters by various modes of transportation; transportation and delivery services by air, road, rail and sea; transportation and delivery services, namely, same day shipment services” in Class 39.

6. The mark that Registrant has registered has a dominant element SCHLEP that is visually similar and phonetically identical to Petitioner’s prior mark SHLEPPERS. Registrant is has registered the mark for services that are closely related to the services for which Petitioner has previously used and registered its mark. Based upon the similarities of the marks and the respective goods and services, the public is likely to associate the services offered by Registrant under the mark WE SCHLEP WITH ALL YOUR FRIENDS with Petitioner or with Petitioner’s services, or to believe that Registrant’s services are sponsored, endorsed or licensed by Petitioner, or that there is some relationship between Registrant and Petitioner.

7. For the above reasons, any continued registration of the mark WE SCHLEP WITH ALL YOUR FRIENDS by Registrant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that those services emanate from or are otherwise sponsored by or endorsed by Petitioner, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

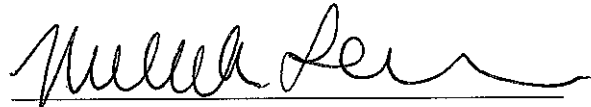
By reason of the foregoing, Petitioner will be damaged by the continued registration of the mark WE SCHLEP WITH ALL YOUR FRIENDS to Registrant.

**WHEREFORE**, Petitioner respectfully asks the Board to sustain this cancellation action and cancel Registration No. 4,716,395 in its entirety..

The cancellation fee in the amount of \$300.00 for one class is filed herewith. If for any reason this amount is insufficient, it is requested that Petitioner's attorneys' deposit account No. 50-4570 be charged with any deficiency.

Date: May 13, 2015  
White Plains, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Yuval H. Marcus', written over a horizontal line.

Yuval H. Marcus  
Michelle Levin


LEASON ELLIS LLP  
One Barker Ave, Fifth Floor  
White Plains, New York 10601  
Tel.: (914) 288-0022

Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing **PETITION FOR CANCELLATION** was served by First-Class mail, postage prepaid, upon the correspondent of record for Registrant, this 13<sup>th</sup> day of May, 2015, addressed as follows:

Lindsay Salk  
316 W 2<sup>nd</sup> Street  
Los Angeles, California 90012-3504

A handwritten signature in black ink, appearing to read 'Michelle Levin', written over a horizontal line.

Michelle Levin